Attorney Docket Number: FSP0154
Application Number: 09/653,039

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REMARKS

In an office action mailed on 07/26/2006, claim 61 is objected to due to informalities; claims 53-56,65,71-74,81 and 82 are rejected under 102(e) as anticipated by Downing (US 6,373,855);claims 57-60,67-70, and 75-78 are rejected as unpatentable over Downing in view of Safadi (US 6,487,721); claims 61-63 and 80 are rejected under 103(a) as unpatentable over Downing in view of Fitzgerald (US 6,611,503); claim 64 is rejected as unpatentable over the combination of Downing, Fitzgerald, and Safadi. The office action is made final. A Request for Continued Examination under 37 CFR 1.114 is timely filed along with the fee set forth under 37 CFR 1.17(e). The application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) is timely paid, hence the finality of the previous office action should be withdrawn pursuant to 37 CFR 1.114, and this submission should be entered.

The objection to claim 61 has been addressed in the amendments to the claims.

Rejection of Claims 53,65,71,79,81 and 82 as Anticipated by Downey

One aspect of claim(s) 53,65,71,79,81 and 82 is receiving a signal from a client device, said signal including an indication of a client requested presentation action that, when put into effect by the stream server, involves reducing (or increasing) a data rate of audio data of a first audio/visual stream, determining an amount that a data rate of a second audio/visual data stream may be increased (or decreased) as a result.

Downing et al., Col. 5 lines 39-53 teaches a message that includes an instruction to change the video bandwidth of the A-V signal based upon the quality of the A-V signal received at the A-V recipient.

Downing describes adjusting the video up or down within a stream according to the quality of the video or audio, not in response to a client requested presentation action such as muting or switching from mono to stereo, and not across different audio/visual streams.

Downing et al., Col. 4, lines 34-45 teaches that when the quality of the audio signal increases, the audio signal does not need as much bandwidth to maintain a certain level of audio quality. Thus, bandwidth is taken from the audio signal and given to the video signal within the same A/V stream, i.e., the video bandwidth of the A/V stream containing the audio is increased. .

Downing teaches borrowing from the audio within an A/V stream to give to the video within that same stream, not adjusting the audio in one stream and applying the bandwidth saved or consumed to another A-V stream

The claims are directed to using bandwidth changes to audio in a first A/V stream to adjust the bandwidth provided to a second A/V stream. This isn't described in Downey or any of the other cited references.

No Muting

One aspect of claim(s) 55 and 73 is that the bandwidth adjustments to the second A/V stream result from an indication from a client device that audio in the first A/V stream be muted. There is no description in Downing that the muting of audio in a first A-V stream is applied to increase the data rate of a different A-V stream.

Adjusting Across Different SPTS of an MPTS

One aspect of claim(s) 58,68, and 76 is including both first and second audio/video streams in different Single Program Transport Streams, each of said different Single Program Streams being part of a Multiple Program Transport Stream which includes both of said different Single Program Transport Streams.

Safadi et al., merely describes how, in the context of ad insertion in cable television systems, the MPTS is formed from multiple SPTS. Nothing in Downing or Safadi even remotely suggests the features of the claims, that is, applying bandwidth gained or consumed from changes to audio in one SPTS to a second SPTS of the same MPTS. Nothing in Downing would suggest even using the audio bandwidth in a different A/V stream, let alone using it to affect a different SPTS of the same MPTS as the audio.

Multiplexer as Audio Filter

One aspect of claim(s) 59,70, and 77 is providing a stream of packets as part of a packet flow to a multiplexing device, and operating the multiplexer to perform a filtering operation on the stream of packets to reduce or eliminate the data rate of the audio data of the first audio/visual stream.

Safadi et al., Col. 4 lines 45-67 and col. 5 lines 30-50 teaches that an ad inserter(s) 140 may be configured in such a manner that the encoder unconditionally outputs the MPTS to the inserter. The inserter, in turn, determines whether to insert a commercial or pass the MPTS through intact (e.g., unchanged). The inserter's decision is based on the presence of the cue command (or lack thereof).

Safadi also teaches that the commercial content fits the bandwidth allocated for the program to which the commercial belongs. Rate adaptation, as described, may take place in advance of the commercial, and as such may be facilitated as an off-line, non-real time process.

There is no description anywhere in Safadi (or Downing) about using a multiplexing device to reduce or eliminate the data rate of audio in a first A/V stream, so that the bandwidth can be applied to another A/V stream. Safadi merely describes the standard process of rate adapting an inserted commercial into an existing A/V stream, not filtering audio in one A/V stream, using the multiplexer, and applying the bandwidth changes to another, different A/V stream.

A/V Streams are to Different Client Devices

One aspect of claim(s) 60, 69, and 78 is providing the second audio/visual stream to a device other than the client device, and not providing the first audio/video stream to the device other than the client device. In other words, the first A/V stream comprising the audio that is adjusted is sent to one device. The second A/V stream, to which the bandwidth adjustments are applied, is sent to a second, different client device that is not the same one that receives the first A/V stream.

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Safadi et al., Col. 7 lines 15-67 teaches that an encrypted post-insertion MPTS is output from the transcoder 210 and provided to a population of conventional set-top terminals via, e.g., a cable-fiber network using conventional techniques.

Thus, in Safadi, the entire MPTS (all A/V streams) is provided to multiple client devices. Claim 64 is distinct over Downing/Safadi for similar reasons.

Starting a New Stream Using the Audio Bandwidth Reclaimed from the First Stream

Claim(s) 61 and 80 are recite, inter alia, determining whether a third audio/visual stream may be streamed as a result of an effect on transmission bandwidth corresponding to a reduction in the data rate of audio or video data of the first audio/visual stream or eliminating the transmission of the audio or video data of the first audio/visual stream.

Fitzgerald et al., Col. 1 lines 5-15 and 35-67, col. 5 lines 47-67 and col. 6 lines 10-67 teaches forming H.221 frames for differing mixes of audio, video and data. Both figures illustrate framing for basic rate ISDN in which two 64 kbps channels are provided.

Fitzgerald is merely describing how H.221 conferencing data is packaged on an ISDN link. Fitzgerald does not teach determining if a third A/V stream can be started with the bandwidth saved by adjusting audio in a first A/V stream (while a second A/V stream also exists). In an MCU conference, it is the link capacity to each participant that determines the conference data rates, so that reducing the audio rate has no effect on the ability to add a new A/V stream for a new or existing participant.

In view of the above amendments and remarks, applicant believes that this application is now in condition for allowance. Applicant respectfully requests that a Notice of Allowability be issued covering the pending claims. If the Examiner believes that a telephone interview would in any way advance prosecution of the present application, please contact the undersigned.

Signature /Charles A. Mirho/ Date: Thursday, November 09, 2006
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